

DRAFT 2/16/2010

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
AMENDING ARTICLE I, OF THE *FREDERICK LAND USE CODE*,
PROVIDING FOR A LIEN TO RECOVER UNPAID DELINQUENT
DEVELOPMENT FEES, CHARGES, OR ASSESSMENTS MADE OR
LEVIED BY THE TOWN.**

WHEREAS, C.R.S. § 31-20-105, provides the authority for a municipality to certify delinquent charges, assessments, or taxes owed to the Town by any person or property owner to the treasurer of the county to be collected and paid over by the treasurer of the county in the same manner as taxes are authorized; and

WHEREAS, it has been determined by the Board of Trustees that such authority also includes the recovery of delinquent development fees and charges assessed under annexation or subdivision improvement agreements, development impact fees assessed by ordinance, sewer user fees, and any other fee, charge, tax or assessment levied by ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. That Section 1.11 of Article I (General Provisions) of the *Frederick Land Use Code*, is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 1-11. Fees.

1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town offices.

2. All fees, charges, or assessments owed to the Town shall constitute a prior, perpetual lien upon each lot or parcel of land of the owner, developer, or licensee, from the due date thereof, until paid, as set forth in the Town Municipal Code. Fees, charges, taxes, or assessments shall include, but are not limited to, any development fees and charges assessed under any annexation or subdivision improvement agreement or agreement regarding land use application review expenses, development impact fees assessed by ordinance, sewer user fees, and any other financial obligation levied by this Code. The Town reserves the right to withhold or revoke any permits, certificates, or other approvals for any land use or license for which payment of any fee, charge, tax or assessment is delinquent.”

Section 2. Effective Date. This ordinance shall be published and become effective

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as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 9th DAY OF March, 2010.

TOWN OF FREDERICK

By _____
Eric D. Doering, Mayor

ATTEST:

By _____
Nanette S. Fornof, Town Clerk